

## HOUSE BILL NO. 416

INTRODUCED BY D. GALLIK

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE QUALITY SCHOOLS TASK FORCE TO OVERSEE THE CONDUCT OF A STUDY TO DEFINE "A BASIC SYSTEM OF FREE QUALITY PUBLIC ELEMENTARY AND SECONDARY SCHOOLS", DETERMINE THE COSTS OF PROVIDING THE BASIC SYSTEM, IDENTIFY EDUCATIONALLY RELEVANT FACTORS, AND ESTABLISH A NEW FUNDING FORMULA TO ENSURE THAT THE BASIC SYSTEM IS ADEQUATELY FUNDED BASED ON EDUCATIONALLY RELEVANT FACTORS; AUTHORIZING THE TASK FORCE TO ISSUE A REQUEST FOR PROPOSALS TO CONDUCT ITS OWN STUDY TO DETERMINE EDUCATIONAL NEEDS AND THE COSTS OF PROVIDING THE BASIC SYSTEM OR TO ADOPT THE ANALYSES OF EDUCATIONAL NEEDS AND COSTS CONTAINED IN EXISTING STUDIES COMPLETED BY REPUTABLE AND RELIABLE EXPERTS; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Legislative intent.** (1) It is the intent of the legislature to define and ensure the preservation of a basic system of free quality public elementary and secondary schools in Montana.

(2) The definition of a basic system of free quality public elementary and secondary schools under the Montana constitution must be established through the process of a study applying evidence of the programs and resources that positively impact student achievement. At a minimum, a study of the basic system of free quality public elementary and secondary schools must ensure that all districts receive adequate funding to cover the costs of operating and maintaining quality public elementary and secondary schools, including funding adequate to ensure:

(a) an education that meets all standards and laws that govern the operation of public schools, including but not limited to the board of public education's accreditation standards, which constitute the foundation upon which a quality education is to be built;

(b) an education that meets the unique needs of all children, which includes at-risk, special needs, and gifted and talented students and students with limited English proficiency;

(c) that all districts are able to attract and retain quality teachers;

(d) satisfaction of the intent of Article X, section 1(2), of the Montana constitution by ensuring that resources are appropriated to meaningfully implement Indian education for all as mandated under 20-1-501; and

(e) preservation and protection of the constitutional role of elected trustees in supervising and controlling schools as provided by Article X, section 8, of the Montana constitution;

(3) The legislature also intends to address the state's long-term obligations under Article X of the Montana constitution through the establishment of a comprehensive plan to develop and implement a cost-based, self-executing funding system that is adequate and equitable and that will be stable into the foreseeable future.

**NEW SECTION. Section 2. Quality schools task force -- membership -- duties.** (1) There is a quality schools task force established to comply with the Montana supreme court's November 9, 2004, order, which found that the current system of funding Montana's public schools violates Article X, section 1, of the Montana constitution, and to comply with the court's direction that, by October 1, 2005, the legislature shall:

(a) assess the needs of K-12 public education and define the term "quality" as that term is used in the legislature's obligation to establish and maintain a basic system of free quality public elementary and secondary schools in Article X, section 1(3), of the Montana constitution;

(b) construct a funding formula for the basic system of free quality public elementary and secondary schools based on educationally relevant factors; and

(c) address in the funding formula the state's commitment to adequately fund Indian education pursuant to Article X, section 1(2) of the Montana constitution.

(2) The members of the quality schools task force are:

(a) the presiding officer of the board of public education;

(b) the governor or the governor's designee;

(c) the superintendent of public instruction or the superintendent's designee;

(d) the speaker of the house of representatives;

(e) the president of the senate;

(f) the minority leader of the house of representatives; and

(g) the minority leader of the senate.

(3) The presiding officer of the board of public education shall serve as presiding officer of the quality

1 schools task force.

2 (4) The quality schools task force is attached for administrative purposes only to the governor's office,  
3 which may assist the task force by providing staff and budgetary, administrative, and clerical services requested  
4 by the task force or the presiding officer.

5 (5) Staffing and other resources may be provided to the quality schools task force from private  
6 resources donated to the task force and from the appropriation in [section 3].

7 (6) The quality schools task force shall define and determine the educational needs and costs of  
8 providing a basic system of free quality public elementary and secondary schools through:

9 (a) studies authorized and conducted by the task force; or

10 (b) the adoption of analyses of educational needs and costs contained in existing studies completed  
11 by reputable and reliable experts.

12 (7) If the quality schools task force conducts its own study pursuant to subsection (6)(a), the task force  
13 shall develop and issue a request for proposals, evaluate the proposals, and award a contract to the most  
14 qualified contractor on the basis of selection criteria established by the task force. The study must be completed  
15 by October 1, 2005, and must address:

16 (a) the cost of recruitment and retention measures for qualified teachers; and

17 (b) a new funding system for capital construction and maintenance.

18 (8) The quality education task force shall develop school finance legislation based on the findings of  
19 its own study or upon the analyses contained in existing studies adopted pursuant to subsection (6)(b) and shall  
20 create a new school funding system that is cost-based and self-executing and that will ensure adequate,  
21 equitable, and stable funding for all school districts in Montana. The legislation must:

22 (a) be based on the study findings completed under subsection (6)(a) or (6)(b);

23 (b) provide a definition of the basic system of free quality public elementary and secondary schools in  
24 Montana.

25 (c) include a mechanism for inflationary adjustments;

26 (d) address declining enrollment and the associated funding-related problems; and

27 (e) include a mechanism for periodic and automatic review, including additional studies and drafting  
28 and introduction of legislation based upon the findings of those studies.

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30 NEW SECTION. **Section 3. Appropriation.** There is appropriated from the general fund to the office

1 of the governor \$450,000 for the biennium ending June 30, 2007, to support the quality schools task force.

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3 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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